

Report Date: November 17, 2008

United States District Court**for the****Eastern District of Washington****Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
*(Probation Form 49, Waiver of Hearing is Attached)*FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 26 2008

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Name of Offender: Gilberto Valencia Toscano

Case Number: 2:05CR00054-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 12/14/2006

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute 5 Grams or More of "Actual" Methamphetamine, 21 U.S.C. § 841(a)(1) and 846; Distribution of Five Grams or More of "Actual" Methamphetamine, 21 U.S.C. § 841(a)(1) and 2; Possession with Intent to Distribute Five Grams or More of "Actual" Methamphetamine, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 11/01/2007

Original Sentence: Prison - 37 Months;
TSR - 48 Months

Date Supervision Expires: 10/31/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 17 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- 18 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

CAUSE

On November 5, 2008, Spokane police responded to a vehicle accident. Upon arrival, officers contacted the driver who was identified as Gilberto Valencia Toscano. The strong odor of alcohol was detected coming from Mr. Toscano. When questioned about his alcohol consumption, he admitted to drinking earlier in the evening. Officers attempted to conduct field sobriety tests, but discontinued due to the defendant's lack of ability to stay standing. He submitted to a blood alcohol content test which revealed his blood alcohol level to be .137. Additionally, he was cited for an improper lane change, no liability insurance, and no valid operator's license. He was then taken into custody for driving under the influence of alcohol. He posted bond and was released from the Spokane County Jail on November 8, 2008. Charges remain pending in Spokane Municipal Court.

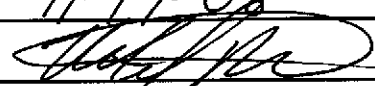
Prob 12B

Re: Toscano, Gilberto Valencia**November 17, 2008****Page 2**

On November 12, 2008, Mr. Toscano reported to the probation office and disclosed his arrest and pending charges. At that time he was verbally reprimanded, and arrangements were made for him to complete a substance abuse evaluation at New Horizon Counseling Center. On November 17, 2008, the defendant again met with the undersigned officer, at which time, he agreed to the above modification of the conditions of supervision as evidenced by his signature on the attached waiver of hearing to modify conditions of supervision. Additionally, he has been referred to the Eastern District of Washington Sobriety Treatment and Education Program (STEP), and is being considered for entry into said program.

I declare under penalty of perjury that the foregoing is true and correct.

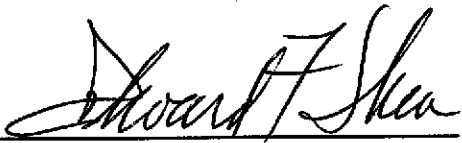
Executed on:

11-17-08


Richard B. Law
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

11/21/08
Date